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7  
8 UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA	)	No. CR 99 - 20249
	)	
	)	INFORMATION
12 v.	)	
	)	VIOLATION:
13	)	Title 15, United States Code,
14 JOHN H. BROWNING,	)	Section 1 (Price Fixing)
	)	
15	)	San Jose Venue
16 Defendant	)	Filed: December 15, 1999

17 The United States of America, acting through its attorneys, charges:

18 I.

19 DESCRIPTION OF THE OFFENSE

20 1. JOHN H. BROWNING is made a defendant on the charge stated below.

21 2. Beginning in or about June 1996 and continuing until in or about  
22 September 1997, the defendant and co-conspirators participated in a combination  
23 and conspiracy in unreasonable restraint of interstate trade and commerce in  
24 violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

25 3. The charged combination and conspiracy consisted of a continuing  
26

1 agreement, understanding, and concert of action among the conspirators, the  
2 substantial terms of which were to rig bids and allocate contracts for the sale of  
3 materials and supplies used in construction of cable-stayed bridges in the United  
4 States.

5 4. For the purpose of forming and carrying out the charged combination  
6 and conspiracy, the defendant and co-conspirators did those things that they  
7 combined and conspired to do, including, among other things:

8 (a) participating in conversations to discuss upcoming cable-stayed bridge  
9 projects in the United States;

10 (b) agreeing, during one such conversation, to allocate several upcoming  
11 cable-stayed bridge projects in the United States among the defendant  
12 and co-conspirators; and

13 (c) submitting artificially high, non-competitive bids in accordance with  
14 the agreements reached.

## 15 II.

### 16 DEFENDANTS AND CO-CONSPIRATORS

17 5. BROWNING is a citizen of the United States, residing in  
18 Massachusetts. During the period covered by this Information, Browning was the  
19 President and CEO of Dywidag-Systems International USA, Inc. ("DSI").

20 6. DSI is a corporation organized and existing under the laws of the State  
21 of New York, with its principle place of business in Bolingbrook, Illinois. During the  
22 period covered by this Information, DSI was engaged in the business of producing  
23 and selling construction materials and services in the post-tensioning and cable-  
24 stayed bridge industries, including materials and supplies used in the construction of  
25 cable-stayed bridges.  
26

7. Various corporations and individuals, not made defendants in this Information, participated as co-conspirators in the offense charged herein and performed acts and made statements in furtherance of it.

8. Whenever in this Information reference is made to any act, deed, or transaction of any corporation, the allegation means that the corporation engaged in the act, deed, or transaction by or through its officers, directors, employees, agents, or other representatives while they were actively engaged in the management, direction, control, or transaction of its business or affairs.

### III.

## TRADE AND COMMERCE

9. Construction of cable-stayed bridges is a form of specialty construction. The deck of a cable-stayed bridge is suspended from cables attached to load-bearing towers.

10. During the period covered by this Information, the defendant and co-conspirators manufactured, sold and distributed materials and supplies used in the construction of cable-stayed bridges in a continuous and uninterrupted flow of interstate commerce from the states of manufacture to customers located in other states. In addition, some of the cable-stayed bridge projects allocated by defendant and co-conspirators pursuant to the charged scheme were paid for in part by the United States government.

11. The business activities of the defendant and co-conspirators that are the subject of this Information were within the flow of, and substantially affected, interstate trade and commerce.

## IV.

## JURISDICTION AND VENUE

1           12.    The combination and conspiracy charged in this Information was  
2 carried out in the United States, in part, within the five years preceding the filing of  
3 this Information.  
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5 ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.  
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